

ORIGINAL  
RECEIVED

DEC 28 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In re Applications of	)	CC Docket No. 91-142
	)	
BRAVO CELLULAR	)	File No. 10673-CL-P-579-A-89
	)	
For Facilities in the Domestic Public	)	
Cellular Telecommunications Radio	)	
Service on Frequency Block A in	)	
Market 579 - North Carolina 15-Cabarrus	)	
	)	
CENTAUR PARTNERSHIP	)	File No. 10720-CL-P-631-A-89
	)	
For Facilities in the Domestic Public	)	
Cellular Telecommunications Radio	)	
Service on Frequency Block A in	)	
Market 631 - South Carolina 7-Calhoun	)	
	)	
EJM CELLULAR PARTNERS	)	File No. 10116-CL-P-721-A-89
	)	
For Facilities in the Domestic Public	)	
Cellular Telecommunications Radio	)	
Service on Frequency Block A	)	
in Market 721 - Wyoming 4-Niobrara	)	
	)	
EJM CELLULAR PARTNERS	)	File No. 10567-CL-P-596-A-89
	)	
For Facilities in the Domestic Public	)	
Cellular Telecommunications Radio	)	
Service on Frequency Block A	)	
in Market 596 - Oklahoma 1-Cimarron	)	

TO: The Commission

PETITION FOR RECONSIDERATION

1. Castle Trust, Orbit Cellular, RSA Cellular Partners, Schuylkill Mobile Fone, Inc., Scott Reardon, Skyline Cellular Partners, Sunrise Trust, Walker Trust, and Turnpike Cellular Partners (collectively referred to herein as "Pending Petitioners") hereby seek reconsideration of the grant of the above-captioned applications. <sup>1/</sup>

---

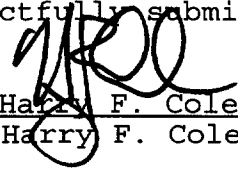
<sup>1/</sup> Those grants were reflected in a Public Notice, Report No. CWS-99-9, released November 27, 1998. While the Notice was issued by the Wireless Telecommunications Bureau ("WTB"), it seemed to indicate that the grants may have been issued by the Commission itself, although the applications had been remanded to the WTB in June, 1997 for further consideration. Out of an excess of caution, the instant Petition is addressed to the Commission; to the extent that the grants in question were made by the WTB and not the Commission, this Petition should be deemed to be addressed to the WTB.

No. of Copies rec'd  
List ABCDE

049

2. The captioned applications are among those under consideration in Algreg Cellular Engineering, 12 FCC Rcd 8148 (1997). As the Commission is aware, two petitions for reconsideration of that decision have been pending since July, 1997. Those petitions raise serious questions concerning the captioned applications (as well as others). As the Joint Petitioners have previously argued to the WTB, grant of the captioned applications prior to full and final resolution of the pending petitions for reconsideration will render those petitions moot with respect to the four markets in question, and the Commission will as a result be unable to fulfill its statutory duties with respect to consideration and resolution of the pending pleadings.<sup>2/</sup> Since the Commission has not yet, to the best of Joint Petitioners' knowledge, acted on the petitions for reconsideration, grant of the captioned applications at this time is plainly premature. Those grants should be rescinded pending final action on the petitions for reconsideration.

Respectfully submitted,

  
/s/ Harry F. Cole  
Harry F. Cole

Bechtel & Cole, Chartered  
1901 L Street, N.W. - Suite 250  
Washington, D.C. 20036  
(202) 833-4190

Counsel for Joint Petitioners

December 28, 1998

---

<sup>2/</sup> See Joint Petitioners' "Request for Rescission of Authorizations", filed May 6, 1998, at 2, citing 47 U.S.C. §309(a), 309(d)(2); see also Metro Mobile CTS, Inc., 8 FCC Rcd 8675, 8676 (1993) (setting aside the grant of a cellular application where the Commission failed to resolve a petition to deny before granting the application), aff'd sub nom. JAJ Cellular v. FCC, 54 F.3d 834 (D.C. Cir. 1995). That Request (together with the pending petitions for reconsideration) is incorporated herein by reference.

CERTIFICATE OF SERVICE

Harry F. Cole hereby certifies that on this 28th day of December, 1998, I caused copies of the foregoing "Petition for Reconsideration" to be hand-delivered (as indicated below) or sent via U.S. first class mail, postage prepaid, addressed to the following:

Gerald Vaughan, Acting Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
2025 M Street, N.W., Room 5002  
Washington, D.C. 20554  
(Hand Delivered)

Steve Weingarten, Chief  
Stephen Markendorff, Deputy Chief  
Commercial Wireless Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
2100 M Street, N.W., Room 700  
Washington, D.C. 20554  
(Hand Delivered)

John P. Bankson, Jr., Esquire  
Drinker, Biddle & Reath  
901 15th Street, N.W., Suite 900  
Washington, D.C. 20005-2503  
Counsel for A-1 Cellular Communications,  
et al.

Alan Y. Naftalin, Esquire  
Koteen & Naftalin, L.L.P.  
1150 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
Counsel for Alpha Cellular

Larry S. Solomon, Esquire  
Shook, Hardy & Bacon, L.L.P.  
Market Square West, Suite 600  
801 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2165  
Counsel for Bravo Cellular, L.L.C.

Carl W. Northrop, Esquire  
Paul, Hastings, Janofsky & Walker, L.L.P.  
1299 Pennsylvania Avenue, N.W.  
10th Floor  
Washington, D.C. 20004-2400  
Counsel for Thomas Domencich & the  
Committee for a Fair Lottery

David L. Hill, Esquire  
O'Connor & Hannan, L.L.P.  
1919 Pennsylvania Ave., N.W., Suite 800  
Washington, D.C. 20006  
Counsel for Cellular Pacific, et al.

Stephen Kaffee, Esquire  
733 15th Street, N.W., Suite 700  
Washington, D.C. 20005  
Counsel for Crystal Communications Corp.

Barry H. Gottfried, Esquire  
Fisher, Wayland, Cooper, Leader  
& Zaragoza, L.L.P.  
2001 Pennsylvania Avenue, N.W., Suite 400  
Washington, D.C. 20006-1851  
Counsel for Applicants Against Lottery  
Abuse

David J. Kaufman, Esquire  
Brown, Nietert & Kaufman, Chartered  
1920 N Street, N.W., Suite 660  
Washington, D.C. 20036  
Counsel for Alabama Wireless, Inc.

Richard S. Myers, Esquire  
Myers Keller Communications Law Group  
1522 K Street, N.W., Suite 1100  
Washington, D.C. 20005  
Counsel for Buckhead Cellular  
Communications Partnership

Donald J. Evans, Esquire  
James A. Kline, IV, Esquire  
Evans & Sill, P.C.  
919 18th Street, N.W., Suite 700  
Washington, D.C. 20006  
Counsel for Miller Communications, Inc.

A. Thomas Carroccio, Esquire  
Bell, Boyd & Lloyd  
1615 L Street, N.W., Suite 1200  
Washington, D.C. 20036-5610  
Counsel for The Joint Petitioners

William E. Zimsky, Esquire  
P.O. Box 3005  
Durango, Colorado 81302  
Counsel for ZDT Partnership

James F. Ireland, III, Esquire  
Cole, Raywid & Braverman, L.L.P.  
1919 Pennsylvania Avenue, N.W., Suite 200  
Washington, D.C. 20006-3458  
Counsel for Cellular Applicants Coalition

William J. Franklin, Esquire  
William J. Franklin, Chartered  
1200 G Street, N.W., Suite 800  
Washington, D.C. 20005

Peter Gutmann, Esquire  
Pepper & Corazzini, L.L.P.  
1776 K Street, N.W., Suite 200  
Washington, D.C. 20006

/s/   
Harry F. Cole